REMARKS

Claims 1, 3, 4, 5, 6 and 7 have been amended.

The Examiner has rejected applicant's claims 1-7 under 35 U.S.C. 102(e) as being anticipated by the Kitada, et al. patent. With respect to applicant's claims, as amended, this rejection is respectfully traversed.

Applicant's independent claims 1 and 3-7 have been amended to better define applicant's invention. More particularly, applicant's amended independent claim 1 now recites a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus including a decision unit for deciding whether the data processing apparatus is to effect an account process for a first process by the data processing apparatus and for a second process by another data processing apparatus in accordance with the recognition by the recognition unit, and a control unit for controlling execution of the account process in accordance with the decision by the decision unit. Applicant's independent method 6 claim has been similarly amended.

Applicant's amended independent claim 5 recites a data processing apparatus including an information portion for informing the another data processing apparatus of account function information of the data processing apparatus, so that double charge for the predetermined process by the data processing apparatus and another data processing apparatus is prevented, and an account portion for executing an account process for a first process by the data processing apparatus and for a second process by the another data processing apparatus in order to execute the predetermined process after the informing by the information portion. Method claim 7 has been similarly amended.

- 5 -

25813/158/706745.1

Such constructions are not taught or suggested by the cited art of record. More particularly, the Examiner has basically cited the columns 4-7 of the Kitada, et al. patent without demonstrating how and where the patent specifically describes a charge process, which is now better defined as an account function or process in the amended claims. More specifically, the Kitada, et al. patent describes a number of embodiments in which a fax function and a print function share a print engine and an engine interface arbiter controls or arbitrates use of the print engine as between the print function and the facsimile function.

However, arbitrating the use of a print engine is not a teaching or suggestion as to a data processing apparatus deciding whether the data processing apparatus is to effect an account process for a first process by the data processing apparatus and for a second process by another data processing apparatus, as recited in applicant's amended claims 1 and 6. Moreover, it is not a teaching or suggestion of a data processing apparatus informing another data processing apparatus of the account function information of the data processing apparatus so that double charge for the predetermined process by the data processing apparatus and the another data processing apparatus is prevented and executing an account process for a first process by the data processing apparatus and for a second process by the another data processing apparatus, as recited in applicant's amended claims 5 and 7.

Applicant's amended independent claims 1 and 5-7, all of which recite one or more of such features, and their respective dependent claims, thus patentably distinguish over the Kitada, et al. patent.
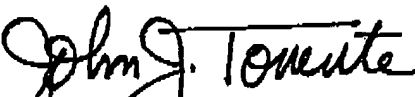
In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

- 6 -

25813/158/706745.1

PAGE 7/8 * RCVD AT 6/1/2005 3:00:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):02-34

If the Examiner believes that an interview would expedite consideration of this

Amendment or of the application, a request is made that the Examiner telephone applicant's

counsel at (212) 790-9200.

Dated: June 1, 2005   Respectfully submitted,

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- 7 -

25813/158/706745.1